



EFFECTIVE EVALUATION IN A STATE PLANNING CONTEXT

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Evaluations can be time-consuming, they cost money, they require effort, results can be used in a negative way by people who do not support a particular program or initiative, and they are scary...so why in the world do we do them?

Legal services organizations undertake evaluations for many reasons: to determine the effectiveness of their current programs and operations; to solve problems; to develop new programs; to produce a report for potential or existing funding sources; to provide useful information to allow for the dissemination of best practices; and to assess the impact and outcomes of the work being performed for clients. Ideally, an evaluation should be a positive and on-going exercise that promotes increased knowledge, awareness, and understanding and helps the program and its staff to be more effective. Unfortunately, evaluations are not always perceived in a positive manner.

Approximately one year ago, the Legal Services Corporation (LSC) announced its intent to develop an evaluation instrument that staff would use to begin the process of determining whether the civil legal services delivery system in each state and territory has effectively implemented the concepts and principles of a comprehensive, integrated and client-centered legal services delivery system. LSC declared its plan to study the relationship between the structure of delivery systems and desired outcomes for clients. We said that the findings of these evaluations would be used to gain a better understanding of how best to conceptualize, design and deliver comprehensive, integrated, and client-centered legal services. We also said that the information gathered during the evaluation process would be used to help our grantees and their state justice communities assess their progress in enhancing

access to civil legal services and improve the quality of those services being provided to our clients and their communities. Finally, we noted that this information would be used to develop new performance measurement tools.

The reaction to this announcement was not positive. Although the legal services community—not unlike other communities—intuitively understands that human behavior is adaptive only when we receive feedback on the consequences of our behavior,² receiving that feedback is often difficult. At LSC, we understand that reaction. Just like our grantees, LSC often does not “welcome” an evaluation. One need only interview staff within the LSC Office of the Inspector General to quickly learn the extent to which LSC itself can have a negative reaction when told that one of its offices or initiatives is going to be reviewed. This is normal and to be expected. After all, since evaluations are too frequently perceived by all of us to be a judgment on the merits of a program, many of us perceive the process as a threat to the very existence of our programs, our employment, or our funding, and we may, even unconsciously, act to impede the evaluation process.

So why is LSC proceeding to develop a state planning evaluation instrument at this stressful time in our collective lives?³ To answer that question, let's take a short trip down the minefields of our collective past. In the mid-nineties, the legal services delivery system throughout the United States faced numerous challenges. We had lived through extraordinarily significant demographic changes among our clients and client communities, and we were being challenged to incorporate cultural and linguistic differences into our delivery systems. We were confronted with the need to operate efficiently and effectively to respond to overwhelming client demand; we faced the need to adapt to and use changing technologies to deliver critical services to low-income people; federal resources to support legal services were stagnant, and we were des-

perate to diversify the funding base so that our programs were not dependant on LSC funding for their continued existence. In addition, the quality of services throughout the delivery system was uneven, and Congress was not convinced that all legal services programs functioned in the most efficient and effective way. Perhaps most importantly, many of us had come to realize that if the delivery system was to remain vibrant, healthy and meaningful in the lives of our clients and their communities well into the next decades we had to build a broad base of support in each state for the very concept of civil legal services for poor people.

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However, although the challenges pushing us to change were tremendous, the obstacles that hindered the change process and the restructuring of the civil legal services delivery system were even greater. The legal services community lacked a common and shared vision. Various components of the delivery system clashed over fundamental differences in their beliefs. Thirty years of fighting for survival had created a situation marked by a lack of attention to long-term goals, long-term planning, and the measurement of outputs and outcomes for clients. A significant diminution of funds available to support legal services had created an environment where any change was believed to be a 'threat' to the continued existence of legal services. The grantee community with a long and turbulent history of fighting to stay alive was suspicious of LSC's motives and directives.⁴ Clients and client communities had become increasingly distrustful of the American legal system. The constant cutbacks in service within legal services programs had clients wary of the very programs designed to assist them.

In 1997, the LSC Board of Directors hired John McKay as LSC President. President McKay shared with the Board of Directors a desire to restore within LSC and its grantees a concept of permanence and profes-

sionalism. Together, they were committed to creating a reconstituted national legal services delivery system. The highest priority identified by President McKay and the Board⁵ was to improve the quality and efficiency of each state's delivery system. Although the LSC Board of Directors recognized that the legal services community had provided quality legal services to numerous clients over a thirty year period, it also recognized that the legal services community needed to begin the long and difficult process of creating a new delivery system that would be positioned to respond efficiently and effectively to emerging client needs regardless of who the client was or where s/he lived within the state. This effort came to be known, colloquially, as "state planning." With the inauguration of the 'state planning initiative' LSC, its grantees, and numerous other equal justice leaders throughout the country embarked on a complicated and complex process to change the legal service delivery system. The bar was set very high as all of us began to participate in the development of statewide civil legal services delivery systems that are responsive to the most compelling needs of eligible clients, ensure the highest and most strategic use of all available resources, and maximize the opportunity for clients throughout the state to receive timely, effective and appropriate legal services.

Depending on when you think state planning actually started, the legal services community has been involved in the creation of equal justice communities within each state for a little over four years.⁶ Within the last two years, some members of the community⁷ began to wonder whether the time had come to evaluate our efforts. My initial reaction was that LSC did not need to embark on yet another time-consuming, labor-intensive project. Upon reflection, however, I realized that although program evaluation is generally perceived to be a judgment of the merits of a program or organization, its more critical role is an active one, as a device for program monitoring and development. Once I realized that the processes of implementation, evaluation and development of state justice communities had to be closely intertwined—each relying and impacting upon the other—it became obvious that LSC needed to proceed to evaluate both the process and the effects of state planning and to use our findings to make modifications to improve and enhance our efforts.

Where are we today? LSC has hired a consultant group, Greacen Associates, to assist us in developing our evaluation instrument. Recognizing that it was

essential to involve representatives from the broad equal justice community in our efforts, LSC created a design team⁸ to work with LSC staff and Greacen Associates to develop the evaluation instrument. The design team held three intensive, multi-day meetings in March, April, and May of this year to 'build' the instrument. Sometime this summer, when the Design Team is satisfied with their initial efforts, we will release the draft instrument for review and comment by anyone who has an interest in this instrument. These comments will be incorporated, as appropriate, into the draft instrument, which then will be tested in the states of Ohio and Washington in November 2002. Upon completion of these tests, our plan is to make final adjustments to the instrument before we begin to use it next year.

Although the initial drafts of the state planning evaluation instrument are long and complicated, when you reduce it down to its most essential element it is designed to answer one basic question — *what have we accomplished?* We will try to respond to that question by collecting data that will fall into a wide variety of categories — financial, economic, human, effectiveness, quality, process, and productivity. We will endeavor to assess the impact of our collective efforts to improve our delivery system, and will attempt to measure our results. Perhaps most importantly, we are going to use these evaluations to assess state planning both as a process and in terms of its effects so that we can collectively improve our efforts for clients.

Intuitively, many of us believe that the journey we have taken together over these last several years has enhanced quality and access, and has created a better, stronger and more vibrant delivery system. We think we can prove it, and we think it is time to try. However, we also believe that our effectiveness needs to be viewed through a *kaleidoscope* and not a *microscope*. Equal justice communities are, by definition, fluid and dynamic. They are often colorful. Therefore, when we look at a legal services delivery system in any state, an evaluation instrument must have the capacity to help us look at it in terms of all of its different and ever-changing components. Ultimately it must be grounded in the fundamental principle that equal justice for low-income and marginalized clients is simultaneously our most important value and our scarcest commodity.

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1 Randi Youells is Legal Services Corporation's top program official, charged with overseeing LSC's Offices of Program Performance and Information Management. In her capacity, she oversees the competitive grants process by which LSC funds are awarded, the delivery of legal services in all 50 states, and the collection and dissemination of program data on recipients of LSC funds. Ms. Youells was appointed to her position in January 2000 after accumulating extensive experience working in the legal services field since 1978. She served as key adviser in LSC's state planning initiative charged with creating comprehensive statewide civil equal justice systems. Ms. Youells' field experience includes work performed for LSC-funded programs in Iowa, Michigan, Nebraska, New Jersey, Ohio, and Washington state. She has directed two programs — serving as Executive Director for Legal Services Corporation of Iowa and Interim Executive Director for Camden Regional Legal Services in New Jersey.

2 Posavac, EJ and Carey, R.G. 1992. *Program Evaluation*. Englewood Cliffs, New Jersey: Prentice Hall.

3 Our stressors include the fact that we are awaiting the appointment of a new Board of Directors, many of our grantees are still trying to survive a merger, the impact of the 2000 census has the potential to create financial crises for many of our grantees and their affiliated state justice communities, IOLTA interest rates are on the decline, and the GAO is once again reviewing LSC.

4 Just recently, I came across an article that had appeared in the Des Moines *Register* at the time that I became the Executive Director of the Legal Services Corporation of Iowa. In that article, my predecessor, John C. Barrett, referenced the 'storm troopers at LSC' as one of the reasons he was leaving the position he had held for seven turbulent years to go into private practice. He was not alone in his opinion.

5 The Board at that time included LSC Board member John Erlenborn, who is currently the LSC President and continues to sit as a Board member.

6 Some states like Hawaii, Washington, New Jersey and New Hampshire have been actively pursuing state planning for many years.

7 Respected legal services leaders like Gerry Singsen, Dianne Taylor, Wayne Moore, Jim Bamberger, Douglas Eakeley, Bucky Askew, De Miller, Robert Clyde, Deirdre Weir, and Roberta Stick were among the many people who began to whisper in my ear about whether we had enough information to make reasonable determinations about the effectiveness, efficiency and adequacy of our emerging equal justice communities.

8 Design team members are Terrence Brooks, ED, ABA Legal Services Division; Robert Clyde, ED, Ohio Legal Assistance Foundation; Colleen Cotter, ED, Indiana Justice Center, Indiana Legal Services, Inc.; Neal Dudovitz, ED,

Neighborhood Legal Services of Los Angeles County; Michael Genz, Director, LSC Office of Program Performance; Robert Gross, LSC Senior Counsel for State Planning; Dr. Sarah Goodrum, Behavioral Science Dept., College of Medicine, University of Kentucky; Patrick McIntyre, ED, Northwest Justice Project; Hon. Juanita Bing Newton, Deputy Chief Administrative Judge for Justice Initiatives, State of New York Unified Court System; Richard Ross, Executive Director of Strategic Planning Initiatives, State of New York Unified Court System; Ada Shen Jaffe, ED, Columbia Legal Services (Seattle); Sara Strattan, ED, Community Legal Aid Services (Akron); Deirdre Weir, ED, Legal Aid and Defender Association (Detroit); and Randi Youells, LSC Vice President for Programs.

Annual Evaluation of the Executive Director

Because the executive director is central to the effectiveness of the legal aid program, evaluation of the executive director by the board of directors is an important board responsibility. An annual, written evaluation documents the executive director's achievements and helps him or her understand areas where improvement would be beneficial, and areas where the board is insufficiently informed. The primary purpose of the evaluation is to help the executive director perform more effectively.

Typically, a committee of the board (often the board officers) leads the evaluation process and reports on the evaluation to the entire board. Some boards involve only other board members directly in the evaluation process. Others seek feedback from the staff on the executive director's work. Still others go outside the program to gather information regarding the performance of the executive director from funders, collaborating agencies, volunteers and clients. Many boards and executives have found it useful from time to time to secure the services of a qualified out-

side person to assess executive director performance and make helpful recommendations.

The executive director and the board should agree on the purposes and process for the performance evaluation. If the executive director has an annual work plan, its goals and objectives become the primary criteria for review.

Regardless of the evaluation process used, executive directors, like all staff members, need feedback year round. They need praise and acknowledgment for work well done, and immediate feedback when problems arise. In the best situations, the board president and other board members have established good working relationships with the executive director and feedback constantly flows in both directions. The annual formal evaluation is an important component of, not a substitute for, that relationship.

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MIE has collected and edited executive director evaluation instruments to illustrate different approaches to executive director evaluation. The instruments are located on the MIE website www.m-i-e.org in the E-library.